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9 *Attorney for Defendants*

10 CLUB DEMONSTRATION SERVICES, INC., and DAYMON
WORLDWIDE INC.

11
12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
14

15 VICKIE HALE,

16 Plaintiff,

17 vs.

18 CLUB DEMONSTRATION SERVICES,
INC., and DAYMON WORLDWIDE INC.

19 Defendants.
20
21
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Case No. 3:21-CV-00257-MMD-WGC

**DEFENDANTS' MOTION FOR
EXCEPTION FROM ATTENDANCE
REQUIREMENTS FOR EARLY
NEUTRAL EVALUATION SESSION**

**ENE Date: September 21, 2021
ENE TIME: 11:00 A.M.**

23 Defendants CLUB DEMONSTRATION SERVICES, INC., and DAYMON WORLDWIDE
24 INC. (collectively, "Defendants"), by and through the counsel of record, Littler Mendelson, P.C.,
25 hereby move for an exception to the Court's requirement that insurance-carrier representatives be
26 present for the entirety of the Early Neutral Evaluation ("ENE") Session set for September 21, 2021.
27 Defendants respectfully request that the insurance-carrier representative be permitted to appear at the
28

1 ENE Session telephonically on an as-needed basis.

2 The Order Scheduling Virtual Early Neutral Evaluation (ECF No. 9) sets a video-conference
 3 ENE Session for 11:00 a.m. on September 21, 2021, and requires that all insurance-carrier
 4 representatives be present for the entirety of the session. Defendants request an exception to this
 5 requirement that would allow a representative of their insurance carrier to appear telephonically on
 6 an as-needed basis. Defendants make this request because the self-insured deductible on their
 7 insurance policy is \$750,000.00, which is significantly higher than any potential recovery or any
 8 monetary sum that Defendants are reasonably likely to offer in settlement of the matter. Defendants'
 9 corporate representative has full authority to settle this matter for the full amount of the claim, up to
 10 the retention amount. In the exceedingly unlikely event that Defendants do require authority to settle
 11 the matter for a sum in excess of the retention amount, the insurance-carrier representative would be
 12 available by telephone and would have authority to settle the matter for the full amount of the claim.

13 For these reasons, Defendants respectfully request an Order allowing the insurance-carrier
 14 representative to appear at the ENE Session telephonically on an as-needed basis.

15 Dated: September 2, 2021.

16 Respectfully submitted,

17
 18 /s/ Neil C. Baker

19 KARYN M. TAYLOR, ESQ.
 20 NEIL C. BAKER, ESQ.
 LITTLER MENDELSON, P.C.

21 Attorneys for Defendants
 22 CLUB DEMONSTRATION SERVICES, INC.,
 and DAYMON WORLDWIDE INC.

23
 24 IT IS SO ORDERED.

25 Dated: September 3, 2021

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 27 
 28 UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169. On September 2, 2021, I served the within document(s):

**DEFENDANTS' MOTION FOR EXCEPTION FROM ATTENDANCE REQUIREMENTS
FOR EARLY NEUTRAL EVALUATION SESSION**

☒ By **CM/ECF Filing** – Pursuant to FRCP 5(b)(3) and LR 5-1, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

James P. Kemp, Esq.
KEMP & KEMP, ATTORNEYS AT LAW
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jp@kemp-attorneys.com

Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 2, 2021, at Las Vegas, Nevada.

/s/ Ann Koorndyk
Ann Koorndyk

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